

REMARKS

The Examiner is thanked for the thorough examination of the present application. The FINAL Office Action, however, has continued to reject claims 1-11 and 20-27. In response, claim 1 is amended to more clearly define a novel and non-obvious feature of the pressure board. In addition, new claim 28 is added. Support of the amendment is provided in the original application, for example, in page 11, lines 22-24 of the specification. Accordingly, the amendment adds no new matter to the application. Reconsideration of the application, as amended, is respectfully requested.

Claims 1-11 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Hsieh (US 6,969,361). Applicant respectfully requests reconsideration of the rejection for at least the reasons discussed below.

Claim 1, as amended herein, recites:

1. A massage device, comprising:
 - a driving shaft;
 - a driving mechanism;
 - a pair of therapeutic elements, rotated by the driving shaft, driven by the driving mechanism, for supporting and massaging feet, wherein each therapeutic element comprises a pressure board; and
 - a bottom therapeutic member, disposed between the pair of therapeutic elements, supporting a sole of foot; wherein the therapeutic elements are formed along an instep of a foot so that the pressure board covers the instep, **and the instep of a foot is firmly pressed downward by the pressure boards when the pressure boards approach.**

(*Emphasis added.*) Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the unique features emphasized above.

In contrast, Hsieh discloses a massage device including a driven shaft 13, a power transmission means 10, a pair of wheel units 50 and an oscillating board assembly 30 consisting of a pair of outer oscillating boards 31, 33 and a pair of inner

oscillating boards 32, 34. The two outer oscillating boards 31, 33 together with the two inner oscillating boards 32, 34 press the legs from both sides (column 3, lines 51-53). That is, the instep of a foot is not firmly pressed downward by the outer oscillating boards 31, 33 and the inner oscillating boards 32, 34 when the outer oscillating boards 31, 33 and the inner oscillating boards 32, 34 approach.

As Hsieh does not teach that the instep of a foot is firmly pressed downward by the pressure boards when the pressure boards approach, as expressly recited in amended claim 1, then independent claim 1 patently defines over the teachings of Hsieh. As claims 2-11 depend from claim 1, these claims patently define over Hsieh for at least the same reasons.

Claims 1-4, 8-11 and 23-27 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Chen (US 6,599,261). Applicant respectfully request reconsideration of this rejection for at least the reasons discussed below.

As emphasized above, claim 1 specifies (among other distinguishing features) that "the instep of a foot is firmly pressed downward by the pressure boards when the pressure boards approach." In contrast, Chen discloses a massage device comprising a transmission shaft 20, a drive motor 10, a plurality of clamp board sets 40, and a massaging wheel set 50. The clamp board sets 40 are formed of a first clamp board 41 and a second clamp board 42. The clamp boards 41 and 42 work together to rub the shanks of legs (column 2, lines 25-38). That is, the instep of a foot is not firmly pressed downward by the clamp boards 41 and 42 when the clamp boards 41 and 42 approach.

As Chen does not teach that the instep of a foot is firmly pressed downward by the pressure boards when the pressure boards approach, then it does not anticipate claim 1, and for at least this reason, the rejection of claim 1 should be withdrawn. As Chen does not anticipate claim 1, then dependent claims 2-4, 8-11, and 23-27 patently define over Chen for at least the same reasons.

Claims 20-22 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Chen in view of Kassel et al. (US 7,147,611). However, as noted above, as Chen does not disclose all the limitations of claim 1, then dependent claims 20-22 patently define over the cited art for at least the same reason.

Claim 28 has been newly added to further define certain unique embodiments of the invention. Support of the new claim is provided in the original application, for example, in page 7, lines 18-21 and page 12, lines 7-26. Accordingly, no new matter has been added to the application by the addition of this claim.

In claim 28 (among other defining features), each therapeutic element comprises a guiding portion, a pressure block and a massaging plate, the guiding portion with flexibility is formed according to the contour of a forefoot, and the pressure block and the massaging plate form an L-shaped cross section for massaging the instep of the forefoot. No such features are disclosed in the cited art. For example, in Kassel et al., the forked paddle 60a/60b does not comprise a guiding portion with flexibility. Thus, Kassel et al. does not disclose the claimed feature of the therapeutic element comprising a guiding portion.

CONCLUSION

For at least the foregoing reasons, all claims are believed to be in condition for allowance.

A credit card authorization is provided to cover the fee associated with the accompanying RCE application. No additional fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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